

PIERCE BAINBRIDGE

U.S. BANKRUPTCY COURT
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JEANNE A. NAUGHTON



August 14, 2023

Hon. John K Sherwood
United States District Court, NJ
Martin Luther King Building & U.S Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Docket 23-11800-JKS

Dear Judge Sherwood,

Good morning Your Honor, please accept this letter as both my;

1. Opposition to Fee's Requested by Trenk Isabel Siddiqi and Shahdanian, and the Fees Requested by McManimon Scotland and Baumann
2. Request for postponement of Fee hearing schedule for August 17, 2023

To begin with, defendant, Daniel M. Risis, hereby OBJECTS to any and all attorney's fees in the above mentioned docket. This objection is supported by the numerous Certifications of Daniel M. Risis, Exhibits and the entire record in this proceeding. Defendant, Daniel M. Risis requests oral arguments be heard in this matter for all fee hearings and motions.

court constantly forgets that I am a father that has a family he needs to support. If the choice is to feed my children or to get into court expeditiously so that Anthony Sodono can request money he doesn't deserve, especially after having me and Jaime Resnick illegally arrested, well I choose my children's lives over his request. Full stop. My job is not an attorney, I do not have a team of legal associates, paralegals and legal assistants who can review the mountain of documents they sent over or the countless pages of legal bills I need to review.

There is a fee hearing schedule for September 7, 2023 for the Trenk Firm which can easily be combined with the MS&B Firm.

In addition, due to Mr. Sodono having me and my assistant Jaime Resnick illegally arrested we have a court hearing in that matter on Thursday and it was scheduled before Mr. Sodono's eager letter to collect money that he doesn't deserve or warrant.

While the lawyers like Richard Trenk, Anthony Sodono and Timothy Duggan are thirsty to collect on my money and my estate, I want to remind them, this court, and everyone reading this letter that I am a father, a husband and I have businesses I need to focus on. They are eager to collect from me quickly since they have the resources and the ability to drown me in legal jargon, paperwork and motion practice. All the while in the background they are working together against me and my wife Mallary Risis, it is not only corrupt and unethical, it is disgusting and the NJ Bar Association and this court of law should make note of this and do some digging of their own.

ARGUMENT:

I. Any award of attorney's fees must be reasonable and the requests for attorneys fees in this case is patently unreasonable.

Assuming for purposes of argument that the Trustee, and his two sets of attorneys, Richard Trenk and Anthony Sodono, are entitled to an award of attorney's fees, the amount claimed is patently unreasonable. Once the threshold determination has been made that attorney's fees should be awarded the factors a court is to take into

consideration in rendering the amount of the award are outlined by the Arizona Supreme Court.

- (1) Whether the unsuccessful party's claim or defense was meritorious;
- (2) Where the litigation could have been avoided or settled and the successful party's efforts were completely superfluous in achieving the result
- (3) Where assessing fees against the unsuccessful party would cause an extreme hardship;
- (4) Whether the successful party prevailed with respect to all relief sought
- (5) Where the legal question presented was novel and whether such claim or defense have previously been adjudicated in this jurisdiction; and
- (6) Whether the award would discourage other parties with tenable claims or defense from litigating or defending legitimate contract issues for fear of incurring liability for substantial amounts of attorney's fees.

Wagenseller, supra, 147 Ariz. at 394, 710 P. 2d at 1049 citing *Associated Indemnity Corp v. Warner*, 143 Ariz. 567, 570, 694, P. 2d 1181, 1184 (1985). The first two factors are necessarily intertwined.

The overarching principle in a determination of an award of attorney's fees is that the fee is reasonable, both as to hourly rate and to the number of hours devoted to the case.

There is also the fact, that is unsupported by law, yet, since this case itself will become case law. The attorneys requesting fees broke the law. Let me repeat this for Your Honor, the attorney's requesting fees broke the law.

The attorney's requesting fees in this case were involved in self-dealing, corruption, ignoring facts and truth, breaking the law, double billing, and extreme vexatious litigation against me, Daniel M. Risis, my estate, my businesses, and my family.

To award any monies to attorneys in this case would simply be awarding attorneys for their malicious and criminal behavior, simply because they have an Esq at the end of their name. There is no justification for fees in this case by any attorney. Full stop.

Attached is Exhibit A, the email Jaime Resnick sent to the US Trustee at the very beginning of this case stating everything as clear as day in front of his eyes. This email and all communications regarding my estate, claims against others and request for assistance from the US Government went ignored since the US Trustee and his attorneys saw that I was a successful businessman with a lot of equity. Everything went ignored for a fire liquidation sale of my estate so that attorneys could collect on fees.

Noting number 3 that is listed above **Where assessing fees against the unsuccessful party would cause an extreme hardship**; The entire reason for bankruptcy was that I was faced with hardship and looking for assistance from the United States Government to investigate my claims and help me with my legitimate creditors. At no time was this followed through with or done, instead the US Trustee and his attorney's want to drain my estate even more and ignore the facts. The fees that the attorney's in this case have requested are both unreasonable and overreaching.

At the beginning of this case I brought to this court's attention the fact that the US Trustee and his attorney, Richard Trenk, as well as the realtor Brian Boms were committing self-dealing, it was when Anthony Sodono entered the case that the reality of the corruption of the Trustee's office and the attorney's hired to represent him the level of corruption that was going on. The excessive nature of my motions that they claim were the reason for their "fees" is because a) no one was listening to me and my claims 2) no one was paying attention to the reality of what was going on in the background 3) I had no available money to hire an attorney and I had to do what I could do to DEFEND myself in a court of law against multiple attorneys who were filing excessive motions against ME and my entities.

By awarding payment to the firms of Richard Trenk and Anthony Sodono is grounds for appeal and injunctive relief for myself Daniel M. Risis. The United States judicial system will be known as co-conspirator, and party to the crimes, should these fees be awarded.

The attorneys in the case also used my wife, Mallary Risis, as a pawn in their game to try and attempt to break us and get more money out of my estate. Mallary Risis is not a party to this bankruptcy, it was a personal ch 7 bankruptcy filed by Daniel M. Risis (NOT Mallary Risis), and any and all "charges" that she is faced with are not

only preposterous but the fact that the attorneys in this case had the audacity to bring her in and then attempt to CHARGE her for fees is disturbing and the US Justice system should be embarrassed that it has let practices like this go on.

I believe Your Honor mentioned not once but TWICE to attorneys in this case to "Take their foot off the gas", and "do not do double the work in this case", which obviously both of these statements from a Federal Judge did not mean anything to them since they ignored your repeated requests to them. Not only were they ignored, they went the opposite way since I not only have plenty of equity in my estate but they took advantage of my Pro Se status and their ability to have massive amounts of "work" done by associates, paralegals, and legal assistants so that I was overwhelmed, bombarded and lambasted by emails, motions, filings and illegal activity I had to take care of in the background.

We simply have ignored that a practicing attorney had a tenant illegally evicted with his 2 year old son from my home. We have simply ignored that a practicing attorney had myself and my assistant, Jaime Resnick, arrested illegally. We are simply ignoring the fact that I have provided evidence of all of this to You, Judge Sherwood, time and time again.

Respectfully submitted,



Daniel M. Risis